

# BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street

Fitchburg MA 01420

(978) 345-9557

William A. Judge, Chairman

Robert A. Bourque

David F. Arsenault

## MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on July 16, 2007, in the Veterans Memorial Room, City Hall, Fitchburg, and called to order by Chairman William Judge at 6:01 PM. Commissioners Robert Bourque and David Arsenault were present.

### **I. REVIEW AND ACCEPTANCE OF MINUTES FROM THE PREVIOUS MEETING.**

The minutes of the regular meeting held on July 9, 2007 were unanimously approved and signed.

### **II. NEW APPLICATIONS**

Fitchburg Sister City for Special One Day License to serve Wine and Malt Beverages from 12Noon to 10PM at Fitchburg Sister City Bierfest on August 25, 2007 at Saima Park.

**Ms. Marcia Bellerman present. Application continued to the special meeting scheduled for July 24, 2007. 3-0**

Tracy Stanley, for Special One Day License to serve Beer and Wine at a Fundraiser Barbecue from 11AM to 5PM on August 5, 2007 at Saima Park.

**Ms. Tracy Stanley present. Application approved 3-0.**

#### **Late Filed Applications not on agenda:**

Eastwood Club, 389 Townsend St. for One Video (Game Gallery MA Approval MA4141)

**Approved 3-0.**

Cinema World, 476 John Fitch Highway, for Special One Day Wine and Malt Beverages License from 6PM to 9PM on August 21, 2007 in the Party Room next to videos.

**Approved 3-0.**

**Chairman Judge recused himself and left the room.**

Upper Common, Inc. d/b/a The Boulder for Special One Day License to serve all Alcoholic Beverages for Sunday Concert at the Common to Benefit Crocker Field from 2PM to 7PM on July 29, 2007 at 872-886 Main St. with street closure.

**Mr. Chris Bujold present. Application approved with the stipulation that the applicant request a two-police officer detail. Street closure permit and \$1,000,000 liability insurance policy naming City of Fitchburg as additional insured must be submitted prior to release of license. 3-0**

### **III. CONTINUED HEARING**

Upper Common, Inc., d/b/a The Boulder, 880 Main St., for Alteration of Premises: Expand existing operation at 880 Main St. to include adjacent first floor retail space. Licensed premise will therefore include 872-880 Main St.

**Mr. Chris Bujold present. Application withdrawn by Mr. Bujold.**

Chairman Judge returned to the room.

John Kelly to discuss the construction status and plans to operate license #0394 00088 at 13 Cushing St. **Mr. John Kelly present. Mr. Kelly reported that the following work is completed: new windows, framing, electrical work. He stated that the plumbing work cannot be completed because the upstairs water lines need to be connected to his bathrooms. He stated that the upstairs water lines are under the control of Christopher Iosua who is working on the upstairs Café Destare establishment. He expects the wiring inspection to occur sometime after this Saturday. Chairman Judge recommended to Mr. Kelly that he obtain for his own protection something in writing from Mr. Iosua regarding the unresolved construction issues at Café Destare that are affecting the construction of Mr. Kelly's establishment. Hearing continued to October 15, 2007. 3-0.**

Cynthia Allaire, Manager, Karma at Bourbon Street, to discuss and receive testimony relative to FPD reports and allegations as follows: FPD reports 07-9925 and 07-9927; Alleged violation of CMR 204:205: Permitting a disturbance on premise; Alleged violation of MGL ch. 138 s. 12A; not conducting business as licensed, e.g. Restaurant; Alleged violation of MGL ch. 138 s. 1 – View of Interior; Obtaining an Entertainment Permit for a DJ after false testimony to the Licensing Board.

**Ms. Cynthia Allaire, Mr. Scott Gibeault and Attorney Hector Pineiro present. For the record, Ms. Allaire was considered to be still under oath from prior hearings. Mr. Scott Gibeault was sworn in. Discussion ensued regarding the tint on the windows of Karma nightclub. The discussion also involved a review of the occupancy load determined on the inspection certificate by the Building Commissioner. Decision: No action on view of interior. 3-0.**

Discussion ensued regarding the issuance of an Entertainment Permit for a DJ. Chairman Judge stated that previous statements made by Ms. Allaire clearly indicated to the Board that Karma would no longer be conducted as a nightclub and that a DJ was needed for rentals of the nightclub that involved activities such as private parties, weddings and Mary Kay parties. Mr. Gibeault clarified that Ms. Allaire did not truly represent the plans of the nightclub with her previous statements. He stated that they do not rent the nightclub and relinquish control of the management of the activities but, rather, that they have “promoters” come in to the club who advertise their promotional activities for the club. The promotional activities are still under the jurisdiction of the Karma management. Mr. Gibeault stated that they have had one birthday party promoted by Melinda Sanchez and two other birthday parties that were closed to the general public; they have not had any weddings.

Ms. Allaire stated that she did not intend to hurt the club with her statements about the closing of the Karma nightclub.

Attorney Pineiro stated that the advertised “Pimp n’ Ho” nights are similar to those on mainstream television shows on MTV. They do not conduct activities such as one might envision in a sex club and there is no physical contact between patrons.

**Decision: No action taken on Entertainment Permit. 2/1 (Judge opposed).**

#### IV. OTHER

- James Tully, owner/operator of Kalimba Grille, 89 Whalon St. to discuss BYOB (beer and wine only) **BYOB at Kalimba Grille approved 3-0.**
- Any other matter  
**Mr. Larry Marshall from Stonehaven, was present to state he would answer any questions about the letter he sent to the Board regarding the closure of Stonehaven for July and August. He stated that Stonehaven would be closed for the summer, opening occasionally for special events, and will take the summer to re-structure and re-open in the fall.**
- Taxi driver applications

**At 8:15PM by unanimous roll call vote, the Board entered in to executive session to discuss the CORI report of taxi driver applicant Christopher Day and not resume in open session. Mr. Day gave permission to have Mr. Roland Brisebois remain in the executive session.**

**The meeting adjourned at 8:30 PM.**

Respectfully submitted,

Anna M. Farrell, Clerk

Approved:

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William A. Judge

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Robert A. Bourque

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David F. Arsenault